Determination of income of a specified fund attributable to units held by non-residents under section 210(2).

140. (1) For the purposes of section 210(2), the income of a specified fund by way of short-term or long-term capital gains, referred to in section 210(1) [Table: Sl. Nos. 2 to 5], that is attributable to the units held by a non-resident (other than the permanent establishment of a non-resident in India), shall be calculated using the following formula:—

A = B × C

Where,—

A = income attributable to the units held by non-resident (not being the permanent establishment of a non-resident in India);

B = income arising from transfer of the security; and

C = ratio of the aggregate of daily "assets under management" of the specified fund held by non-resident unit holders (not being the permanent establishment of a non-resident in India) to the aggregate of daily total "assets under management" of the specified fund, from the date of acquisition of the security to the date of transfer of such security.

(2) For the purposes of section 210(2), the income of a specified fund by way of income received in respect of securities, referred to in section 210(1) [Table: Sl. No. 1], that is attributable to the units held by a non-resident (other than the permanent establishment of a non-resident in India) shall be calculated using the following formula:—

X = Y × Z

Where,—

X = income attributable to the units held by non-resident (not being the permanent establishment of a non-resident in India);

Y = income received in respect of securities; and

Z = ratio of the "assets under management" in the specified fund held by non-resident unit holders (not being the permanent establishment of a non-resident in India) to the total "asset under management" of the specified fund, as on the date of receipt of such income.

(3) The specified fund shall furnish an annual statement of income eligible for concessional taxation in Form No. 69, on or before the due date specified under section 263(1)(*c*).

(4) The income of a specified fund referred to in section 210(1), attributable to the units held by a non-resident (other than the permanent establishment of a non-resident in India), shall not be eligible for tax rates specified in section 210 unless such fund complies with sub-rule (3).

(5) For the purpose of this rule, the expressions,—

(*a*) "assets under management" means the closing balance of the value of assets or investments of the specified fund as on a particular date;

(*b*) "permanent establishment" shall have the same meaning as assigned to it in section 173(*c*);

(*c*) "securities" shall have the meaning assigned to it in Schedule VI [Note 1(*e*)] to the Act;

(*d*) "specified fund" shall have the meaning assigned to it in Schedule VI [Note 1(*g*)(*i*)] to the Act; and

(*e*) "units" shall have the meaning assigned to it in Schedule VI [Note 1(*j*)] to the Act.

Computation of exempt income of specified fund, attributable to investment division of an offshore banking unit under Schedule VI [Table: Sl. Nos. 1 to 4] to Act.

141. (1) For the purposes of Schedule VI [Table: Sl. Nos. 1 to 4] to the Act, exempt income of specified fund attributable to the investment division of an offshore banking unit shall be computed in accordance with the following formula:—

A + B + C + D

where, —

A = any income accrued or arisen to, or received by the eligible investment division as a result of transfer of a capital asset referred to in section 70(1)(*r*) held by it, on a recognised stock exchange located in any International Financial Services Centre and where the consideration for such transaction is paid or payable in convertible foreign exchange;

B = any income accrued or arisen to, or received by the eligible investment division as a result of transfer of securities held by it (other than shares in a company resident in India);

C = any income accrued or arisen to, or received by the eligible investment division from securities held by it and issued by a non-resident (not being a permanent establishment of a non-resident in India) and where such income otherwise does not accrue or arise in India; and

D = any income accrued or arisen to, or received by the eligible investment division from a securitisation trust, which is chargeable under the head "Profits and gains of business or profession".

(2) Any expenditure incurred in relation to income referred to in A or B or C or D referred to in sub-rule (1) shall not be allowed as deduction from any other income under any provision of the Act, irrespective of the fact that such expenditure has not been allowed as deduction against income referred to in the said A or B or C or D.

(3) The eligible investment division shall furnish an annual statement of exempt income in Form No. 70 electronically under digital signature on or before the due date specified under section 263(1)(*c*) and duly verified in the manner indicated therein.

(4) For the purposes of this rule,—

(*a*) "eligible investment division" means a registered investment division which fulfils the conditions specified in rule 142;

(*b*) "investment division of an offshore banking unit" shall have the meaning assigned to it in Schedule VI [Note 1(*b*)] to the Act;

(*c*) "securities" shall have the meaning assigned to it in Schedule VI [Note (1)(*e*)];

(*d*) "specified date", in relation to the accounts of the registered investment division of any tax year, means a date one month prior to the due date specified under section 263(1)(*c*) for the said tax year; and

(*e*) "specified fund" shall have the meaning assigned to it in Schedule VI [Note (1)(*g*)] to the Act.

Conditions referred to in Schedule VI [Note 1(*g*)(*ii*)(B)] to Act required to be fulfilled by an investment division of an offshore banking unit.

142. (1) For the purposes of Schedule VI [Note 1(*g*)(*ii*)(B)] to the Act, an investment division of an offshore banking unit shall fulfil the following conditions namely:—

(*a*) it shall maintain separate accounts for the registered investment division reflecting the true and fair accounts of all transactions relating to the investment division and which shall ensure that direct and indirect expenses relating to the incomes referred to in rule 141 and other incomes, are properly recorded, accounted for and apportioned thereto;

(*b*) it shall get the accounts referred to in clause (*a*), audited by an accountant before the specified date and such accountant shall furnish by that date the report of such audit in Form No. 71, electronically under digital signature, and duly verified in the manner indicated therein;

(*c*) it shall maintain proper documentation in respect of—

(*i*) inbound remittance for buying and selling the investments; and

(*ii*) the use of inward remittance made to India;

(*d*) it shall maintain bank statement of all accounts of the registered investment division;

(*e*) it shall maintain contract notes relating to purchase and sale of securities by the registered investment division; and

(*f*) it shall maintain a statement of securities issued by the custodian.

(2) The income of a specified fund attributable to an eligible investment division shall not be exempt under section 11(1) read with Schedule VI [Table: Sl. Nos. 1 to 4] to the Act unless it complies with sub-rule (1)(*b*) and rule 141(3).

(3) For the purposes of this rule,—

(*a*) "accountant" shall have the meaning assigned to it in section 515(3)(*b*);

(*b*) "investment division of an offshore banking unit" shall have the meaning assigned to it in Schedule VI [Note 1(*b*)] to the Act;

(*c*) "registered investment division" shall mean an investment division of an offshore banking unit which fulfils the condition specified in Schedule VI [Note 1(*g*)(*ii*)(A)];

(*d*) "securities" shall have the meaning assigned to it in Schedule VI [Note (1)(*e*)] to the Act; and

(*e*) "specified date", in relation to the accounts of the registered investment division of any tax year, means a date one month prior to the due date specified under section 263(1)(*c*) for the said tax year;

Determination of income of a specified fund attributable to investment division of an offshore banking unit under section 210(3).

143. (1) For the purposes of section 210(3), income of a specified fund, being the investment division of an offshore banking unit shall be computed in accordance with the following formula:—

A + B + C + D + E

Where,—

A = income from securities, held by the eligible investment division, as referred to in section 210(1) [Table: Sl. No. 1];

B = income by way of short-term capital gain referred to in section 210(1) [Table: Sl. No. 2], accrued or arisen to, or received by the eligible investment division as a result of transfer of a security, other than that referred to in section 196, and held by such investment division;

C = income by way of short-term capital gain referred to in section 210(1)[Table: Sl. No. 3], accrued or arisen to, or received by the eligible investment division as a result of transfer of security referred to in section 196, and held by such investment division;

D = income by way of long-term capital gain referred to in section 210(1) [Table: Sl. No. 4], accrued or arisen to, or received by the eligible investment division as a result of transfer of a security, other than that referred to in section 198, and held by such investment division;

E = income by way of long-term capital gain referred to in section 210(1)[Table: Sl. No. 5], accrued or arisen to, or received by the eligible investment division, as a result of transfer of a security referred to in section 198, and held by such investment division.

(2) Any expenditure incurred in relation to income referred to in A or B or C or D or E in sub-rule (1) shall not be allowed as a deduction from any other income under any provision of the Act, even if such expenditure has not been allowed as a deduction from income referred to in the said A or B or C or D or E.

(3) The eligible investment division shall furnish an annual statement of income, eligible for taxation under section 210(3), in Form No. 70 on or before the due date specified under section 263(1)(*c*).

(4) The income of an eligible investment division referred to in section 210(1) [Table: Sl. Nos. 1 to 5] shall not be eligible for tax rates specified therein unless the eligible investment division meets the requirement of sub-rule (3).

(5) For the purposes of this rule,—

(*a*) "eligible investment division" means an investment division of an offshore banking unit which fulfils the conditions specified in Schedule VI [Note 1(*g*)(*ii*)(A) and (B)] to the Act;

(*b*) "investment division of an offshore banking unit" shall have the meaning assigned to it in Schedule VI [Note 1(*b*)] to the Act;

(*c*) "securities" shall have the same meaning as assigned to it in section 2(*h*) of the Securities Contracts (Regulation) Act, 1956 (42 of 1956);

(*d*) "specified fund" shall have the meaning assigned to it in Schedule VI [Note 1(*g*)(*ii*)] to the Act.

Other conditions required to be fulfilled by a specified fund as referred to in Schedule VI [Note 1(*g*)(*i*)] to Act.

144. (1) For the purposes of Schedule VI [Note 1(*g*)(*i*)] to the Act, the "other conditions" required to be fulfilled by a specified fund shall be that —

(*a*) the unit holder of the specified fund, other than the sponsor or manager of such fund, who becomes a resident under section 6(2) to (7) in any tax year subsequent to the tax year in which such unit or units were issued, shall cease to be a unit holder of such specified fund within a period of three months from the end of the tax year in which he becomes a resident;

(*b*) for the purposes of clause (*a*), the specified fund shall maintain the following documents in respect of its unit holders:—

- (*i*) name of the unit holder;
- (*ii*) tax identification number of the unit holder in the country of residence at the time the units were issued;
- (*iii*) permanent account number, if available;
- (*iv*) total number of units held;
- (*v*) total value of units held;
- (*vi*) whether unit holder is a sponsor or a manager;
- (*vii*) the tax year in which the unit holder became resident; and
- (*viii*) date of exit from specified fund.

(2) The specified fund shall certify that it has fulfilled the conditions under sub-rule (1) and furnish information in respect of units held by residents in the annual statement of exempt income in Form No. 68.

(3) The income attributable to units held by a non-resident (not being the permanent establishment of a non-resident in India) in a specified fund shall not be exempt under section 11(1) read with Schedule VI [Table: Sl. Nos. 1 to 4] to the Act unless the specified fund complies with sub-rule (2).

(4) For the purposes of this rule, "specified fund" shall have the same meaning as assigned to it in Schedule VI [Note 1(*g*)] to the Act.

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INCOME TAX DEPARTMENT

Statements under sections 221(4), 222(2), 223(5) and 224(9).

145. (1) The statement of income credited or paid or distributed by an entity as referred to in the column B of the following Table shall be furnished by the person responsible for crediting or paying or distributing such income on behalf of such entity to the Principal Commissioner or the Commissioner of Income-tax, within whose jurisdiction the principal office of such entity is situated, electronically in the Form No. mentioned in the column C, duly verified by an accountant, as defined in section 515(3)(*b*), in the manner indicated therein; and to the recipient of such income mentioned in column D in the Form No. mentioned in the column E of the said Table:

TABLE

Sl. No.	*Type of entity*	*Form for furnishing statement to Principal Commissioner or Commissioner of Income-tax*	*Person to whom statement is to be furnished*	*Form for furnishing statement to recipient of income*
A	*B*	*C*	*D*	*E*
1.	Venture Capital Company or the Venture Capital Fund.	74.	The person who is liable to tax in respect of such income.	75.
2.	Business trust.	76.	Unit holder.	77.
3.	Investment fund.	79.	The person who is liable to tax in respect of such income.	78.
4.	Securitisation trust.	72.	The person who is liable to tax in respect of such income.	73.

(2) The statement to the Principal Commissioner or the Commissioner of Income-tax shall be furnished by the 15th June of the financial year succeeding the tax year during which the income is paid or credited or distributed and the statement to the recipient of income shall be furnished by the 30th June of the financial year succeeding the tax year during which the income is paid or credited or distributed.

(3) The statement to the recipient of income shall be furnished after generating and downloading the same from the web portal specified by the Director General of Income-tax (Systems) or the person authorised by him and duly verified by the person paying or crediting or distributing the income in the manner indicated therein.

Rules related to application for exercising the option for tonnage tax scheme and other matters related to it.

146. For the purposes of Tonnage Tax Scheme under Chapter XIII-G of the Act:—

(*a*) an application under section 231(1) to opt for the Tonnage Tax Scheme, or under section 231(10) for renewing the option for the Tonnage Tax Scheme, as the case may be, shall be made in Form No. 80 and shall be verified as specified therein;

(*b*) deemed tonnage under section 227(4)(*b*) in respect of an arrangement mentioned in column B of the following Table shall be computed on the basis as specified in column C thereof:—

TABLE

Sl. No.	*Arrangement*	*Basis of computation*
(A)	*(B)*	*(C)*
1	Purchase of slots and slot charter	2.5 TEU = 1 Net Tonnage (1 NT), where TEU is Twenty foot Equivalent Unit (Container of this size).
2	Sharing of break-bulk vessel	(*i*) Where cargo is restricted by volume, 19 cubic meter (cbm) = 1 net tonnage (1 NT); and (*ii*) where cargo is restricted by weight, 14 metric tons = 1 net tonnage (1 NT).

(*c*) the incidental activities referred to in section 228(7) shall be the following:—

(*i*) maritime consultancy charges;
(*ii*) income from loading or unloading of cargo;
(*iii*) ship management fees or remuneration received for managed vessels; and
(*iv*) maritime education or recruitment fees;

(*d*) the limit for charter-in of tonnage of the qualifying ships referred to in section 232(15) to (20) during any tax year, shall be computed by dividing the total number of chartered-in ton days by the total number of ton days operated by the company; and

(*e*) the audit report of a qualified company, required to be furnished under section 232(21)(*b*) shall be in Form No. 81.

Publication and circulation of order of Board under section 239(3)(*a*).

147. Any general or special order of the Board issued under section 239(3)(*a*), the publication and circulation of which is, in the opinion of the Board, necessary in the public interest, shall be published and circulated in one or more of the following modes :—

(*a*) publication of the order in the Official Gazette; or

(*b*) dispatching copies of the order to Chambers of Commerce and other trade or professional associations which are, for the time being, borne on the mailing list of the Board; or

(*c*) displaying copies of the order on the notice board of the office of every Chief Commissioner or Commissioner or Joint Commissioner and Assessing Officer; or

(*d*) uploading the copies of the order in the official website of the Income Tax Department and, circulation through official social media handles or other digital outreach platforms maintained by the Department.

Search and Seizure under section 247.

148. (1) The powers of search and seizure under section 247 shall be exercised in accordance with sub-rules (2) to (21).

(2) The authorisation under—

(*a*) section 247(1) by the approving authority, as is empowered by the Board in this behalf, or any Joint Director or Joint Commissioner, so authorised by such approving authority, shall be in Form No. 82;

(*b*) section 247(2) by a Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner, shall be in Form No. 83; and

(*c*) section 247(3) by a Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner, shall be in Form No. 84.

(3) Every authorisation referred to in sub-rule (2) shall be in writing under the signature of the officer issuing the authorisation and shall bear his seal.

(4) Any person in charge of or in any building, place, vessel, vehicle or aircraft authorised to be searched shall, on demand by the authorised officer and on production of the authority, allow him free ingress thereto and afford all reasonable facilities for a search therein.

(5) If ingress into such building or place cannot be obtained by the authorised officer, even after notification of his authority and the purpose and demand of admittance has been duly made, it shall be lawful for the authorised officer,—

(*i*) to enter such building or place and search therein; and

(*ii*) in order to effect an entrance into such building or place for search therein, to break open any outer or inner door or window of any building or place, if required, whether that of the person to be searched or of any other person,

with such assistance of police officers or of officers of the Central Government, or of both or of any person or entity as referred to in section 247(5)(*b*), as may be required.

(6) If ingress into any vessel, vehicle or aircraft authorised to be searched cannot be obtained by the authorised officer,

(*a*) it shall be lawful for the authorised officer to stop any such vessel or vehicle or, in the case of an aircraft, compel it to stop or land, and search any part of the vessel, vehicle or aircraft; or

(*b*) even after notification of his authority and purpose and demand of admittance has been duly made, it shall be lawful for the authorised officer, in order to affect an entrance into such vessel, vehicle or aircraft for search therein, to break open any outer or inner door or window of such building, place, vessel, vehicle or aircraft, whether that of the person to be searched or of any other person,

with such assistance of police officers or of officers of the Central Government or of both, or of any person or entity as referred to in section 247(5)(*b*), as may be required.

(7) If any building, place, vessel, vehicle or aircraft authorised to be searched is occupied by a woman, who according to custom does not appear in public, the authorised officer shall, before entering such building, place, vessel, vehicle or aircraft, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing.

(8) The authorised officer may require any person, who is the owner of or has the immediate possession or control of any box, locker, safe, almirah or any other receptacle or access to computer system situate in such building, place, vessel, vehicle or aircraft, to allow access, including by opening the same, to inspect or examine its contents, or any information stored therein.

(9) Where the keys of such box, locker, safe, almirah or any other receptacle or access code to such computer system are not available or where such person fails to comply with requirement mentioned in sub-rule (8), the authorised officer may cause any action to be taken, including the breaking open of such box, locker, safe, almirah, other receptacle, or overriding the access code to such computer system, which he may consider necessary for carrying out all or any of the purposes specified in the authority issued under sub-rule (2).

(10) Any person referred to in section 247(1)(*iv*) may be searched by the authorised officer with such assistance as he may consider necessary for carrying out all or any of the purposes specified in the authority issued under sub-rule (2) and where such person is a woman, the search shall be made by another woman with a strict regard to decency.

(11) Before making a search, the authorised officer shall,—

(*a*) where a building or place is to be searched, call upon two or more respectable persons who are inhabitants of the locality in which the building or place to be searched is situate, or of any other locality if no such inhabitant of the said locality is available or willing to be a witness to the search; and

(*b*) where a vessel, vehicle or aircraft is to be searched, call upon any two or more respectable persons,

to attend and witness the search and may issue an order in writing to them or any of them so to do.

(12) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under section 247, when called upon to do so by an order in writing delivered or tendered to him, may be considered to have committed an offence under section 222 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) and suitable proceedings can be initiated against such person.

(13) The search shall be made in the presence of the witnesses referred to in sub-rule (11) and the following shall be signed by such witnesses:—

(*a*) the statement made under section 247(6) by any person; and

(*b*) a list of all assets seized and material seized, prepared by the authorised officer,

in the course of such search.

(14) No person witnessing a search shall be required to attend as a witness of the search in any proceedings under the Act, unless specially summoned.

(15) The occupant of the building, place, vessel, vehicle or aircraft searched (including the person in charge of such vessel, vehicle or aircraft or some person on his behalf), shall be permitted to attend during the search and a copy of the lists prepared under sub-rule (13) shall be delivered to such occupant or person.

(16) When any person is searched under section 247(1)(*iv*), a list of all assets seized and material seized shall be prepared and a copy thereof shall be delivered to such person.

(17) The authorised officer shall place or cause to be placed, all the assets seized and material seized during the search, except money and the books of account and documents, which are in physical form, in a package or packages, and shall list them with the details of such assets and materials seized and placed therein.

(18) Every package shall bear an identification mark and the seal of the authorised officer, and the occupant of the building, place, vessel, vehicle or aircraft (including the person in charge of such vessel, vehicle or aircraft or any other person on his behalf) searched, shall also be permitted to place his seal or signature on them and a copy of the list with details of such packages, along with details of such assets and materials seized and placed therein, shall be delivered to such occupant or person.

(19) The authorised officer may convey all the assets and materials seized, including the package or packages, if any, referred to in sub-rule (17), the list of assets and materials seized and statements recorded during the search to the office of any income-tax authority not below the rank of Income-tax Officer (herein referred to as the Custodian). Any money seized in the search may also be deposited with the custodian.

(20) (*a*) The Custodian shall take such steps, as he may consider necessary, for the safe custody of all the assets and materials which has been handed over to him under sub-rule (19).

(*b*) The Custodian may deposit, for safe custody, all or any of the packages, preferably, in the strong room maintained by the office of the Director General, or where strong room facility is not available, in safe deposit lockers hired by the Director General or Principal Director or Director or Chief Commissioner or Principal Commissioner or Commissioner, in the State Bank of India or any of its subsidiaries or any other nationalised (or authorised) bank, for the said purpose.

(*c*) The strong room or safe deposit locker referred to in clause (*b*) shall be operated jointly by two officers nominated by the Director General.

(*d*) Where any money has been deposited with the Custodian, he may credit the money, or remit the money through the nearest branch of the Reserve Bank of India or the State Bank of India or of its subsidiaries or any authorised bank for being credited, in the Personal Deposit Account of the Director General or Principal Director or Director or Chief Commissioner or Principal Commissioner or Commissioner, in the branch of the Reserve Bank of India or the State Bank of India or of its subsidiaries or any authorised bank, at the place where the office of such authority is situate.

(21) (*a*) Whenever any sealed package is required to be opened for any of the purposes of the Act, the authorised officer may, unless he is himself the Custodian, requisition the same from the Custodian and on receipt of the requisition, such package or packages, as the case may be, shall be delivered to him by the Custodian and the authorised officer, after giving a reasonable notice to the person (from whose custody the contents of such package were seized) to be present, may break any seal and open such package in the presence of two respectable witnesses, and such person, if present.

(*b*) The person referred to in clause (*a*) shall be permitted to be present till all or any of the contents of such package are placed in a fresh package or packages and sealed in the manner specified in sub-rules (17) and (18) or delivered to such person or the Custodian, as the case may be.

(22) The Assessing Officer to whom the assets and materials seized have been handed over under section 251(1) shall have all the powers conferred on the authorised officer under sub-rules (19) and (21).

Procedure to requisition services under section 247(5) and to make a reference under section 247(9).

149. (1) Every Principal Chief Commissioner or the Chief Commissioner or the Principal Director General or the Director General, as the case may be, may approve—

(*a*) any person or entity, whose services may be requisitioned for the purposes of section 247(5)(*b*); or

(*b*) the Valuation Officer, the person registered under section 514, or any person or entity or registered valuer, to whom reference may be made for the purposes of section 247(9),

on the basis of an application made by such person or entity or registered valuer, or on a reference made by Joint Director or Joint Commissioner or Additional Director or Additional Commissioner or Director or Commissioner or Principal Director or Principal Commissioner, or on his own motion.

(2) The authorised officer, as referred to in section 247(5) or (9), may requisition the services of or make a reference to one or more of the persons approved under sub-rule (1), for the purposes of section 247(5)(*b*) or (9).

(3) The application referred to in sub-rule (1) shall be made in Form No. 85.

(4) The application referred to in sub-rule (3) shall be disposed of by the Principal Chief Commissioner or the Chief Commissioner or the Principal Director General or the Director General, as the case may be, within six months from the end of the month in which such application is made thereby granting approval or rejecting the same.

(5) The Principal Chief Commissioner or Principal Director General or Chief Commissioner or Director General may, on grant of approval to a person or entity or registered valuer as provided in sub-rule (1), issue a Designated Approval Number to such person or entity or registered valuer, as the case may be.

(6) For the purposes of section 247(5) or (9), in a case where the authorised officer considers it necessary or expedient to do so, he may requisition the services of or make a reference to a person or entity or registered valuer who is not approved as per sub-rule (1), after recording reasons for the same, and within a period of thirty days of such requisition, obtain approval of the Principal Chief Commissioner or the Chief Commissioner or the Principal Director General or the Director General, as the case may be.

(7) For the purposes of this rule, "registered valuer" means any valuer registered by or under any law in force.

(8) For the purposes of sub-rule (5) of this rule, a "Designated Approval Number" means a number so issued, having alphanumeric characters.

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INCOME TAX DEPARTMENT

Valuation under section 247(9).

150. (1) For the purposes of section 247(9), the fair market value of the property shall be determined in the following manner:—

(*a*) the value of an immovable property, being land or building or both, shall be in accordance with the value adopted or assessed or assessable by any authority of the Central Government or a State Government for the purpose of payment of stamp duty in respect of such immovable property, along with the cost of construction and improvements, if any, on the date or dates on which such property is required to be valued as per the reference made under section 247(9);

(*b*) the value of jewellery, archaeological collections, drawings, paintings, sculptures, any work of art, shares or securities referred to in rule 57, shall be the value determined in the manner provided in said rule and for this purpose the reference to the valuation date in the rules 56 and 57 shall be the date or dates on which such property is required to be valued as per the reference made under section 247(9); and

(*c*) the value of property,—

(*i*) other than those covered in clauses (*a*) and (*b*); or

(*ii*) where valuation as specified in the said clauses is not feasible,

shall be the price that such property would ordinarily fetch on sale in the open market on the date or dates on which such property is required to be valued as per the reference made under section 247(9).

(2) The Valuation Officer, the person registered under section 514, or any person or entity approved under section 247(9), to whom the reference for valuation has been made by the authorised officer under the provisions of section 247(9), shall submit the report of valuation in Form No. 170 to such authorised officer.

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INCOME TAX DEPARTMENT

Requisition of books of account, etc. under section 248.

151. (1) The authorisation under section 248(1) by the Director General or Director or the Chief Commissioner or Commissioner shall be made in Form No. 86, shall be in writing under the signature of the officer issuing the authorisation and shall bear his seal.

(2) The officer authorised to make a requisition under section 248(1) (herein referred to as the requisitioning officer) shall make the requisition in writing to the officer or authority referred to in section 248(1)(*a*) or (*b*) or (*c*) (herein referred to as the delivering officer or authority) calling upon the delivering officer or authority to deliver the books of account or other documents, or assets or computer system containing information specified in the requisition to him, which shall be accompanied by a copy of the authorisation made in Form No. 86 and a copy of the requisition, along with a copy of the said authorisation, shall be forwarded to the person referred to in section 248(1)(*a*) or (*b*) or (*c*).

(3) (*a*) The delivering officer or authority shall prepare a list of books of account or other documents, or assets or computer system containing information delivered to the requisitioning officer;

(*b*) before effecting delivery of books of account or other documents, or assets or computer system containing the information so requisitioned, the delivering officer or authority shall place or cause to be placed such things, except money and the books of account and documents in physical form, in a package or packages which shall be listed with details of such things and placed therein;

(*c*) every package referred to in clause (*b*) shall bear an identification mark and seal, of the requisitioning officer or of any other income-tax authority not below the rank of Income-tax Officer, on his behalf and also of the delivering officer or authority;

(*d*) the person referred to in section 248(1)(*a*) or (*b*) or (*c*), as the case may be, or any other person on his behalf shall also be permitted to place his seal or signature on the said package or packages; and

(*e*) a copy of the list prepared under clause (*b*) shall be delivered to such person and a copy thereof shall also be forwarded by the delivering officer to the approving authority.

(4) The provisions of sub-rules (19) to (22) of rule 148 and rule 152 shall, so far as may be, apply as if the things delivered to the requisitioning officer under section 248 had been seized under section 247(1) by the requisitioning officer from the custody of the person referred to in section 248(1)(*a*) or (*b*) or (*c*), as the case may be, and the said rules and sub-rules shall be read, as if for the words "the authorised officer" occurring therein, shall be read* the words "the requisitioning officer" were substituted.

Release of remaining assets under section 250.

152. Any assets or proceeds thereof which remain after the liabilities referred to in section 250(1) are discharged, shall be forthwith made over or paid to the person, from whose custody the assets were seized, in the presence of two respectable witnesses.

Distraint and sale.

153. Where any distraint and sale of movable property are to be effected by any Assessing Officer or Tax Recovery Officer authorised for the purpose, such distraint and sale shall be made, as far as may be, in the same manner as attachment and sale of any movable property attachable by actual seizure, and the provisions of rule 225 relating to attachment and sale shall, so far as may be, apply in respect of such distraint and sale.

Form of information under section 254(1).

154. The information under section 254(1) shall be furnished in Form No. 87.

Disclosure of information related to assessees under section 258(2).

155. (1) The application to the Chief Commissioner or Commissioner under section 258(2) for information relating to an assessee in respect of any assessment made either under the Act or under the Income-tax Act, 1961 (43 of 1961), as it existed prior to its repeal, shall be made in Form No. 88.

(2) The information under section 258(2) shall be furnished by the Chief Commissioner or Commissioner in Form No. 89.

(3) Where it is not possible for the Chief Commissioner or Commissioner to furnish the information asked for by the applicant under section 258(2) owing to the fact that the relevant assessment has not been completed, he shall inform the applicant in Form No. 90.

(4) Where the Chief Commissioner or Commissioner are satisfied that it is not in the public interest to give or cause to be given the information asked for, he shall intimate the fact to the applicant in Form No. 91

Prescribed income-tax authority under section 259.

156. The prescribed income-tax authority under section 259 shall be an Income-tax authority not below the rank of Assistant Commissioner of Income-tax, who has been authorised by the Central Board of Direct Taxes to act as such authority for the purposes of that section.

Persons exempt from obtaining Permanent Account Number under section 262.

157. (1) The provisions of section 262 shall not apply to a non-resident (not being a company or a foreign company) who has, during a tax year, made investment in a specified fund, if the following conditions are met:—

(*a*) such non-resident does not earn any income in India other than the income from the investment in the specified fund during the tax year;

(*b*) the income-tax due on such income of non-resident is deducted at source and remitted to the Central Government by the specified fund at the rates specified section 393(1) [Table: Sl. No. 4(*iii*)], 393(2) [Table: Sl. No. 8] and 393(4) [Table: Sl. No. 14]; and

(*c*) the non-resident furnishes the following details and documents to the specified fund:—

(*i*) name, e-mail id and contact number;

(*ii*) address in the country or specified territory outside India of which he is a resident;

(*iii*) a declaration that he is a resident of a country or specified territory outside India; and

(*iv*) Tax Identification Number (TIN) in the country or specified territory of his residence, and where no such number is available, then a unique number on the basis of which the non-resident is identified by the government of that country or the specified territory.

(2) The specified fund shall—

(*a*) furnish a quarterly statement for the quarter of the financial year, in which the details and documents referred to in sub-rule (1)(*c*) are received by it, in Form No. 92 electronically to the Director General of Income-tax (Systems) or a person authorised by him; and

(*b*) upload the declaration of foreign residency as referred to in sub-rule (1)(*c*)(*iii*) within fifteen days from the end of the quarter of the financial year to which such statement relates.

(3) The provisions of section 262 shall not apply to a non-resident, being an eligible foreign investor, who has made transaction only in capital assets referred to in section 70(1)(*r*), which are listed on a recognised stock exchange located in any International Financial Services Centre and the consideration on such transfer of capital asset is paid or payable in foreign currency, if the following conditions are fulfilled: —

(*a*) the eligible foreign investor does not earn any income in India, other than the income from transfer of a capital asset referred to in section 70(1)(*r*);

(*b*) the eligible foreign investor furnishes the following details and documents to the stock broker through which the transaction is made: —

(*i*) name, e-mail id, and contact number;

(*ii*) address in the country or specified territory outside India of which he is a resident;

(*iii*) a declaration that he is a resident of a country or specified territory outside India; and

(*iv*) Tax Identification Number (TIN) in the country or specified territory of his residence, and where no such number is available, then a unique number on the basis of which the non-resident is identified by the Government of that country or the specified territory.

(4) The stock broker shall:—

(*a*) furnish a quarterly statement for the quarter of the financial year, in which the details and documents referred to in sub-rule (3) are received by it, in Form No. 92 electronically to the Director General of Income-tax (Systems) or a person authorised by him; and

(*b*) upload the foreign residency declaration as referred to in sub-rule (3)(*b*)(*iii*) within fifteen days from the end of such quarter of the financial year to which such statement relates.

(5) For the purposes of this rule,—

(*a*) "eligible foreign investor" means a non-resident who operates in accordance with the Securities and Exchange Board of India, Circular IMD/HO/FPIC/CIR/P/2017/003, dated 4th January, 2017;

(*b*) "International Financial Services Centre" shall have the meaning assigned to it in section 2(*q*) of the Special Economic Zones Act, 2005 (28 of 2005);

(*c*) "specified fund" shall have the meaning assigned to in Schedule VI [Note (1)(*g*)] to the Act; and

(*d*) "stock broker" means a person having trading rights in a recognised stock exchange located in any International Financial Services Centre and the member of such exchange.

Application for allotment of a Permanent Account Number.

158. (1) An application under section 262 for allotment of a Permanent Account Number shall be made in Form No. 93, Form No. 94, Form No. 95 and Form No. 96, as the case may be, in accordance with sub-rule (8).

(2) An applicant may also apply for allotment of a Permanent Account Number through a common application form as may be, notified by the Central Government.

(3) Any person, who has not been allotted a Permanent Account Number but possesses the Aadhaar number may apply for allotment of the Permanent Account Number under section 262(1) or (2) or (11) to the authorities mentioned in sub-rule (4) by intimating his Aadhaar number.

(4) The Director General of Income-tax (Systems) shall, on receipt of information under sub-rule (3), authenticate the Aadhaar number for that purpose.

(5) An application referred to in sub-rule (1) shall be made,—

(*i*) in cases where the function of allotment of Permanent Account Number under section 262 has been assigned by the Chief Commissioner or Commissioner to any particular Assessing Officer, to that Assessing Officer; and

(*ii*) in any other case, to the Assessing Officer having jurisdiction to assess the applicant.

(6) For the purposes of sub-rule (5), the Assessing officer shall include an income tax authority who is assigned the duty of allotting Permanent Account Number by the Director General of Income-tax (Systems).

(7) The application referred to in sub-rule (1) shall be made by the person specified in Column B of the following Table within the time specified in column C thereof:

TABLE

Sl. No.	*Person*	*Time within which application for allotment of Permanent Account Number is to be made*
(A)	*(B)*	*(C)*
1	Where the total income of the person or the total income of any other person in respect of which he is assessable under the Act during any tax year exceeds the maximum amount which is not chargeable to income-tax and he has not been allotted any Permanent Account Number.	On or before the 31st May of the tax year immediately succeeding the tax year, for which such income is assessable.
2	A person not falling under Sl. No. 1, but carrying on any business or profession, the total sales, turnover or gross receipts of which are or is likely to exceed Rs. 500000 in any tax year and who has not been allotted any Permanent Account Number.	Before the end of that tax year.
3	A person who is required to furnish a return of income under section 349 and who has not been allotted any Permanent Account Number.	Before the end of the tax year.
4	A person who is entitled to receive any sum or income or amount, on which tax is deductible or collectible under Chapter XIX-B in any tax year.	Before the end of such tax year.
5	A person, being a resident, other than an individual, which enters into a tax transaction of an amount aggregating to Rs. 250000 or more in a tax and which has not been allotted any Permanent Account Number.	On or before the 31st May, immediately following such tax year.
6	A person, who is the managing director, director, partner, trustee, author, founder, *karta*, chief executive officer, principal officer or office bearer of the person referred to in Sl. No. 5 or any person competent to act on behalf of the person referred to in the said serial number and who has not been allotted any Permanent Account Number.	On or before the 31st May, immediately following the tax year in which the person referred to in Sl. No. 5 enters into financial transaction specified therein.
7	A person who intends to enter into the transaction prescribed under section 262(1)(*f*) and section 262(9)(*a*).	At least seven days before the date on which he intends to enter into the said transaction.

(8)(*a*) The application referred to in sub-rules (1) and (3), in respect of an Individual who is a citizen of India, shall be filled in the Form 93, and shall be accompanied by the documents mentioned in the following Table for proof of identity, address and date of birth:

TABLE

Sl. No.	*Nature of Document*	*Proof of Identity*	*Proof of Address*	*Date of Birth (bearing the name, date, month and year of birth)*
A. Copy of:—				
1.	AADHAAR card	Yes	Yes	No
2.	Indian Passport	Yes	Yes	Yes
3.	Driving licence	Yes	Yes	Yes
4.	Elector's Photo Identity Card issued by the Election Commission of India	Yes	Yes	Yes
5.	Ration card having photograph of the applicant	Yes	No	No
6.	Transgender Identity Card or certificate issued under the Transgender Persons (Protection of Rights) Act, 2019 having photograph of the applicant	Yes	Yes	Yes
7.	Photo identity card issued by the Central Government or a State Government or a Public Sector Undertaking	Yes	No	Yes